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SUBJECT: COUNCIL OF EUROPE'S HUMAN RIGHTS COMMISSIONER
GIVES ARMENIA A MIXED ASSESSMENT

REF: A) YEREVAN 1302 B) YEREVAN 1282 C) YEREVAN 1278

SUMMARY

¶1. (U) The Human Rights Commissioner of the Council of Europe (COE) visited Armenia October 7-11 to assess the human rights situation. During his trip, Thomas Hammarberg visited police stations, prisons, refugee centers, and the Gyumri earthquake zone. He also met with Armenian leaders and NGOs. His mission focused on the judicial system, corruption, media freedom, electoral code reforms, and related human rights issues. Prior to his departure, he noted that although Armenia had made great strides in advancing human rights since the Soviet era, serious areas for improvement remained, particularly on implementation. Emboffs met with the local COE representative to get a read-out on the visit, and found that the COE has scheduled a flurry of additional visits prior to Armenia's presidential election in February, 2008. Hammarberg is expected to release his final report in three months. End summary.

GLOOMY ASSESSMENT OF POST-EARTHQUAKE GYUMRI

¶2. (U) Commenting on his visit to Gyumri, the epicenter of the 1988 earthquake that claimed between 25,000-50,000 lives, Hammarberg said he was flabbergasted to find families still living in temporary housing 19 years after the event. He called the living conditions "inadmissible" and said that the GOAM and the international community must assume responsibility for "ensuring worthy living conditions for those who suffered" from the earthquake. He also visited two refugee sites that house Armenian refugees from Azerbaijan, one of which he assessed to be in a deplorable state.

¶3. (SBU) Hammarberg visited penitentiary facilities in Gyumri where he spoke, unaccompanied, with prisoners. He met with Aram Babjanian, Zhirayr Sefilian and Vardan Malkhasian, all of whom are widely believed to have been jailed on account of their political views. Responding to a question on political prisoners, Hammarberg stated that "there are people in prison who shouldn't be there for various reasons." During his visit he also focused on police treatment of detainees.

MEDIA FREEDOM, JUDICIAL REFORM, ALTERNATIVE SERVICE

¶4. (SBU) Bojana Urumova, the Special Representative of the Secretary General of the Council of Europe to Armenia, told

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Emboffs that Hammarberg repeatedly registered his concerns over freedom of the media. There have been recent developments (ref A) that suggest the authorities are clamping down on TV coverage of the political opposition with the 2008 presidential elections right around the corner. Hammarberg's concern was heightened when the GOAM informed him that revisions to the law on TV and Radio, which governs the way the members of the National Commission on TV and Radio are chosen, will not be made until after the presidential election in February. The law had been slated for reform in 2007, and the COE had already sent the authorities its opinion on the draft revisions. In an interview Urumova gave October 24, she emphasized that media freedom remained a COE priority in Armenia, and cautioned that "without such freedoms, elections and other democratic processes are seriously challenged and flawed."

15. (SBU) Hammarberg also raised judicial reforms in his meetings with Armenian leaders, including the President, Prime Minister, and Justice Minister. When he asked about the Judge Ohanian affair (refs B & C), he was told "the outcome is up in the air." (Note: On October 16, President Kocharyan dismissed the judge for alleged misconduct in the handling of previous legal cases. End note.) When Hammarberg raised the issue of Armenia's extremely low acquittal rate, he received a tepid, noncommittal response. Urumova said that Hammarberg wants the COE to maintain pressure on this issue, and said American "sticks" on the controversial topic could be of help.

16. (SBU) Hammarberg also raised the issue of police mistreatment, after his finding in Armenia that it was a widespread problem. Hammarberg called the authorities' handling of the Levon Gulyan case "worrying," and Urumova said the European Committee for the Prevention of Torture and Inhuman Treatment (CPT) is monitoring the case and remains in

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contact with the authorities on its handling. (Note: Gulyan fell to his death in mysterious circumstances on May 9 when he was being questioned by police about a homicide that had taken place outside of his restaurant. The investigation of his death is still pending. End note.) According to an October 31 media report, the COE informed Armenia's Human Rights Ombudsman during the latter's October 17-19 visit to Strasbourg that it remains "anxious" over the lingering problem of inhumane treatment in police stations and other law enforcement facilities.

7 (SBU) In his meeting with the Speaker of the National Assembly and the Ombudsman, Hammarberg commended Armenia for its constitutional and various legal reforms that strengthen human rights protection. But he expressed his concern that the reforms were not being adequately implemented and enforced. Hammarberg also raised COE concerns that alternative service in Armenia still does not conform to European standards. He noted that alternative service still falls under Ministry of Defense jurisdiction - not civilian, as in Europe - and that the service is excessively long. The Prime Minister was receptive to the idea of reform, but the Minister of Defense rebuffed Hammarberg on the issue.

DIVERGENCE OF VIEWS?

18. (SBU) At his press conference prior to departing Armenia, Hammarberg stated that Armenia had made tangible progress in human rights protections since independence from the Soviet Union. He saluted Armenia's ratification of almost all European and international conventions on human rights, but said there still remained room for improvement. Interestingly, Urumova told Emboffs that the President and the National Assembly Speaker told Hammarberg during their meetings that "we have fulfilled" almost all of Armenia's commitments made to the COE, and that the sole remaining

issue was reforming Yerevan's administrative status. (Note: As of November 2, the Ombudsman's web site still cites that the government has yet to respond to COE opinions it provided on amendments to Armenia's laws on TV and Radio, Alternative Service, and the Ombudsman. End note.)

¶9. (SBU) Hammarberg is expected to issue his final report on his visit sometime in January, but Urumova said it might be delayed until after the February presidential election. In the meantime, the COE has on tap a visit by the Secretary General in November, a December visit by two rapporteurs from the Parliamentary Assembly of the Council of Europe (PACE), and separate visits early in the year by the COE's so-called AGO group, another body tasked with monitoring Armenian reforms.

COMMENT

¶10. (SBU) We were pleased to see that Hammarberg used his visit to remind the authorities of the most pressing human rights issues in the country. The reaction he received, however, shows a large gap still remains between Armenia's human rights commitments to the COE and its current practices. The fact that the outgoing president believes Armenia has fulfilled all of its obligations also gives pause. One hopes that his successor, whoever it may be, will evaluate the human rights situation from a fresh perspective.

PENNINGTON